

On April 6, 2022, at 10:00 a.m., the Honorable Sheri Bluebond, United States Bankruptcy Judge for the Central District of California (the “Court”), held an interim hearing (the “Interim Hearing”) in Courtroom 1539 of the United States Bankruptcy Courthouse located at 255 East Temple Street, Los Angeles, California, to consider the Motion for Order (I) Authorizing Use of Cash Collateral Pursuant to Section 363 of the Bankruptcy Code; and (II) Providing Adequate Protection (the “Motion”) [ECF 101], filed by Escada America LLC, a Delaware limited liability company (the “Debtor”), the debtor and debtor in possession in the above-captioned, chapter 11 bankruptcy case. Appearances were made as set forth on the Court’s record of the hearing.

The Court, having read and considered: (i) the Motion and all papers in support of the Motion, including the declaration of Kevin Walsh (the “Declaration”) annexed to the Motion, and the previously filed declaration of John-Patrick M. Fritz [ECF 15]; (ii) the limited objection [ECF 110] filed by creditors Brookfield Properties Retail, Inc., Simon Property Group, Inc., and certain of their respective affiliates (collectively, the “Creditors”); (iii) the limited objection [ECF 111] filed by and creditor 717 GFC LLC (“GFC”); (iv) the stipulation [ECF 117] between the Debtor, on the one hand, and the Creditors and GFC, on the other hand, and the order thereon [ECF 121]; and (v) the statements of counsel made orally at the hearing, the record in the case, the docket in the case, and for good cause appearing, therefor,

HEREBY FINDS that notice of the Motion and Hearing were good and proper under the circumstances and pursuant to the Bankruptcy Code, Federal Rules of Bankruptcy Procedure, and Local Bankruptcy Rules, and

HEREBY ORDERS AS FOLLOWS:

(1) The Motion is granted on an interim basis as set forth in this Order through April 27, 2022;

(2) The Court shall hold a further hearing (the “Further Hearing”) on the Motion on April 27, 2022, at 10:00 a.m.;

(3) Replies in support of the Motion shall be filed no later than seven days prior to the Further Hearing;

(4) Through April 27, 2022, the Debtor is authorized to use cash collateral to pay all of the expenses set forth in the Budget attached as **Exhibit 1** to the Motion and Declaration, with authority to deviate from the line items contained in the Budget by not more than 15%, on a cumulative and line-item basis;

(5) As adequate protection for the use of cash collateral, Eden Roc International, LLC, Mega International, LLC, and Escada Sourcing and Production, LLC shall have: (i) replacement liens to the same validity, priority, and extent as their respective liens existed as of the Petition Date on post-petition assets other than avoiding power claims and (ii) super-priority administrative claims pursuant to section 507(b) of the Bankruptcy Code; and

(6) The stay of FRBP 6004 is waived.

SO ORDERED.

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Date: April 12, 2022



Sheri Bluebond
United States Bankruptcy Judge

1 JOHN-PATRICK M. FRITZ (State Bar No. 245240)
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9 Attorneys for Chapter 11
10 Debtor and Debtor in Possession

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**UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA
LOS ANGELES DIVISION**

In re:) Case No.: 2:22-bk-10266-BB
)
ESCADA AMERICA LLC,) Chapter 11 Case
) Subchapter V
Debtor and Debtor in Possession.)

**ORDER: (1) AUTHORIZING USE OF
CASH COLLATERAL AND
PROVIDING ADEQUATE
PROTECTION PURSUANT TO
SECTIONS 361 AND 363 OF THE
BANKRUPTCY CODE ON AN
INTERIM BASIS THROUGH JULY 15,
2022; AND (2) SETTING A FURTHER
HEARING**

Hearing:

Date: April 6, 2022
Time: 10:00 a.m.
Place: Courtroom 1539
255 East Temple Street
Los Angeles, CA 90012

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The Court, having read and considered: (i) the Motion and all papers in support of the Motion, including the declaration of Kevin Walsh (the “Declaration”) annexed to the Motion, and the previously filed declaration of John-Patrick M. Fritz [ECF 15]; (ii) the limited objection [ECF 110] filed by creditors Brookfield Properties Retail, Inc., Simon Property Group, Inc., and certain of their respective affiliates (collectively, the “Creditors”); (iii) the limited objection [ECF 111] filed by and creditor 717 GFC LLC (“GFC”); (iv) the stipulation [ECF 117] between the Debtor, on the one hand, and the Creditors and GFC, on the other hand, and the order thereon [ECF 121]; and (v) the statements of counsel made orally at the hearing, the record in the case, the docket in the case, and for good cause appearing, therefor,

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HEREBY ORDERS AS FOLLOWS:

(1) The Motion is granted on an interim basis as set forth in this Order through April 27, 2022;

(2) The Court shall hold a further hearing (the “Further Hearing”) on the Motion on April 27, 2022, at 10:00 a.m.;

1 (3) Replies in support of the Motion shall be filed no later than seven days prior to the
2 Further Hearing;

3 (4) Through April 27, 2022, the Debtor is authorized to use cash collateral to pay all
4 of the expenses set forth in the Budget attached as **Exhibit 1** to the Motion and Declaration, with
5 authority to deviate from the line items contained in the Budget by not more than 15%, on a
6 cumulative and line-item basis;

7 (5) As adequate protection for the use of cash collateral, Eden Roc International,
8 LLC, Mega International, LLC, and Escada Sourcing and Production, LLC shall have: (i)
9 replacement liens to the same validity, priority, and extent as their respective liens existed as of
10 the Petition Date and (ii)) super-priority administrative claims pursuant to section 507(b) of the
11 Bankruptcy Code; and

12 (6) The stay of FRBP 6004 is waived.

13 **SO ORDERED.**

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1 AGREED AS TO FORM:

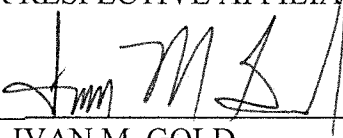
2 Dated: April 8, 2022

ESCADA AMERICA LLC

3 By: /s/ John-Patrick M. Fritz
4 JOHN-PATRICK M. FRITZ
5 LEVENE, NEALE, BENDER,
6 YOO & GOLUBCHIK L.L.P.
7 Attorneys for Chapter 11
8 Debtor and Debtor in Possession

9 Dated: April 8, 2022


BROOKFIELD PROPERTIES RETAIL, INC., SIMON
PROPERTY GROUP, INC., AND CERTAIN OF
THEIR RESPECTIVE AFFILIATES

10 By: 
11 IVAN M. GOLD
12 ALLEN MATKINS LECK GAMBLE MALLORY &
13 NATSIS LLP

14 Attorneys for Brookfield Properties Retail, Inc., Simon
15 Property Group, Inc., and Certain of their Respective
16 Affiliates

17 Dated: April 8, 2022

717 GFC LLC

18 By: 
19 JOHN C. CANNIZARO
20 ALYSON M. FIEDLER
21 ICE MILLER LLP

22 Attorneys for 717 GFC LLC
23
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1 AGREED AS TO FORM:

2 Dated: April 8, 2022

ESCADA AMERICA LLC

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4 JOHN-PATRICK M. FRITZ
5 LEVENE, NEALE, BENDER,
6 YOO & GOLUBCHIK L.L.P.
7 Attorneys for Chapter 11
Debtor and Debtor in Possession

8 Dated: April 8, 2022

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14 Attorneys for Brookfield Properties Retail, Inc., Simon
15 Property Group, Inc., and Certain of their Respective
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